



CITY OF MEMPHIS

COUNCIL AGENDA

June 6, 2006

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (May 16, 2006)

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

1. **ORDINANCE** amending Chapter 25, Article II, Section 25-2 of the Code of Ordinances regarding Pension and Retirement Board of Administration, up for S E C O N D reading.
Marshall Ordinance No. 5168

ACTION REQUESTED: Adopt the ordinance on Second reading

2. **ORDINANCE** amending Chapter 25, Article III, Section 25-31 of the Code of Ordinances regarding Investment of Trust Fund, up for S E C O N D reading.
Marshall Ordinance No. 5169

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **ORDINANCE** amending previous Ordinance 4388, codified as City Code, Chapter 2, Division 5, Section 2-325, et seq., so as to revise Section 2-331(a) (Sunset Clause) to allow said Chapter 2, Division 5 to remain in full and effect until June 30, 2009, up for S E C O N D reading.

Marshall Ordinance No. 5171

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

4. **ORDINANCE** rezoning the south side of Macon Road; +475 feet west of Houston Levee Road, containing 1.34 acres in the Agricultural (AG) District, up for F I R S T reading.
Peete Ordinance No. 5172
Case No. Z 06-109cc

Applicant: Edward Grinder
Tim McCaskill – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

5. **ORDINANCE** rezoning the northwest corner of Macon Road and Houston Levee Road, containing 2.0 acres in the Agricultural (AG) District, up for **S E C O N D** reading.
Peete Ordinance No. 5170
Case No. Z 06-108cc

Applicant: Trustmark National Bank
Davis Engineering – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

6. **RESOLUTION** approving final plat of CAROLINA and MAIN STREET SUBDIVISION.
Case No. S 05-057

Resolution approves the final plat located at the corner of S. Main St. and Carolina. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. **RESOLUTION** approving final plat of RIDGEWAY CENTER EAST PD, PHASE 4.
Case No. PD 96-366
Contract No. CR-5013

Resolution approves the final plat located on the southwest corner of Briarcrest Avenue and Shady Grove Road. Cost of the required improvement to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. **RESOLUTION** approving final plat of RIDGEWAY CENTER EAST PD, PHASE 6.
Case No. PD 96-366
Contract No. CR-5014

Resolution approves the final plat located on the west side of Shady Grove Road, south of Briarcrest Avenue. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

9. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:
- A. Case No. PD 05-384

Located on the south side of Firestone Avenue @ Morehead Street containing 18.50 acres in the Heavy Industrial (I-H) & Light Industrial (I-L) Districts

Applicant: Memphis Housing Authority

Request: A planned development to permit 130 residential lots consisting of single family homes and townhouses

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 06-315 (Formerly Z 06-107) – TOWN CENTER AT SOULSVILLE

and Located on the south side of East McLemore Avenue; between Neptune Street College Street, containing 4 acres in the College University (C-U) and Multiple Dwelling Residential (R-MM) Districts

Applicant: New Town Center @ Soulsville, LLC
Self-Tucker Architects (James Murray) – Representative

Request: A Mixed Use Planned Development (consisting of Commercial, Office, and Residential Uses)

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. S 05-089 – SHORE DRIVE SUBDIVISION

Located east of East Shore Drive and north of Des Arc Road, opposite the terminus of Bowers Road, containing 19.20 acres in the Single family dwelling ~ Single Family Residential (R-S10) District

Applicant/Appellant: Harold W. Krag, III

Request: Appeal to overturn action of the Land Use Control Board which rejected the forty-nine (49) lot preliminary plat for the proposed Shore Drive Subdivision

LUCB and OPD recommendation: REJECTION

D. Case No. S 06-007 – ELIZABETH NORMAN SUBDIVISION

Located on the southwest corner of Cole Road and Colonial Road, containing 28,749 square feet (0.66acre) in the Single family dwelling ~ Single Family Residential (R-S10) District

Equitable Owner/Applicant: Elizabeth Norman

Request: Two (2) Lot Preliminary Plat appeal to overturn action of the Land Use Control Board which rejected a two (2) lot preliminary plat subdivision located at 305 Colonial Road

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: June 20, 2006



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MLGW FISCAL CONSENT

10. Resolution awarding Contract No. 11086, Multi-Hazard Risk Assessment, to R.W. Howe and Associates, PLC, in an estimated funded amount of \$638,900.00.
11. Resolution awarding Contract No. 11141, Information Services Support, to ViaSys Technologies Inc., in an estimated funded amount of \$177,000.00.
12. Resolution approving Change No. 3 to Contract No. 10923, Workers' Compensation Claims Administrator, with Brentwood Services, Inc., in an estimated funded amount of \$140,000.00.
(This renews the contract for the third renewal term of four renewal terms covering the period July 1, 2006 to June 30, 2007.)
13. Resolution awarding contract for plastic barricades as follows:

| | |
|--------------------------------|------------------|
| Advance Safety and Supply..... | \$ 57,620.00 |
| Personal Safety First..... | <u>54,680.00</u> |
| Total..... | \$112,300.00 |
14. Resolution awarding contract for truck mounted hydraulic crane to NES Rentals c/o National Equipment Services, in the amount of \$90,735.00.
15. Resolution awarding contract for 36-month rental of printer system to Ikon Office Solutions in the amount of \$64,404.00.
16. Resolution amending Purchase Order No. 123504 for cab and chassis with Mid-America International Trucks, Inc. in the amount of \$6,300,787.28. (This amends the Purchase Order in the amount of \$1,160,447.28.)
17. Resolution extending the Interdivisional Cooperative Agreement with the City of Memphis for a one-year period, July 1, 2006 through June 30, 2007, for the purchase of gasoline and diesel fuel from Cary Oil Company in the amount of \$4,030,580.00.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

BUDGET ITEMS

18. RESOLUTION establishing the Memphis Light Gas and Water In-Lieu-Of Tax payment to the City of Memphis for Fiscal Year 2007.

Sammons

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION approving the Capital Acquisition Budget and the Capital Improvement Program for Fiscal Years 2007 – 2011.

Ford

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION directing the City Treasurer to prepare tax bills for the various utilities and carriers utilizing the last certified assessment as of June 30, 2006.

Sammons

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION approving the FY 2007 Budget for the Center City Commission.

Sammons

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION approving the Memphis City Schools Budget for 2006-2007.

Lowery

ACTION REQUESTED: Adopt the resolution

23. **ORDINANCE** establishing the Fiscal 2007 Operating Budget for the City of Memphis, up for T H I R D and F I N A L reading.

Sammons

Ordinance No. 5166

ORDINANCE to appropriate the proceeds of the Tax Levy on the assessed values on all properties of every species within the city limits for general purposes for the Fiscal Year July 1, 2006, through June 30, 2007, inclusive, together with all collections from privileges, licenses, fees, fines, permits, charges, requests, transfers from non-budget accounts, earning, refunds, and all other items constituting the revenue receipts of the City of Memphis for the Fiscal Year July 1, 2006 through June 30, 2007, inclusive, to provide the manner in which monies may be transferred from one fund to another and to provide the standard code or designations under which the appropriations are to be administered and accounting control maintained.

ACTION REQUESTED: Take whatever action Council deems advisable

24. **ORDINANCE** to fix the tax rate of the City of Memphis for Fiscal Year 2007, up for
T H I R D and F I N A L reading.

Sammons

Ordinance No. 5167

ACTION REQUESTED: Take whatever action Council deems advisable

GENERAL ORDINANCE - THIRD AND FINAL READING

25. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to
increase Pension Benefits Allowable under Section 25-95 and 25-195, up for
T H I R D and F I N A L reading.

Marshall

Ordinance No. 5165

ACTION REQUESTED: Take whatever action Council deems advisable

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

26. RESOLUTION amending the FY 2006 Capital Acquisition budget for the Fire Services
Division. Resolution exchanges the purchase of an Air Mask Compressor at \$66,000.00
for the purchase and installation of three (3) Dry Van boxes with qualcomm tracking
devices at the bidder cost of the \$47, 880.00, with a contingency amount of \$1,320.00,
thus totaling \$49,200.00.

Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

27. RESOLUTION accepting an offer from Vollintine Evergreen Community Association, to
purchase City owned, unimproved property located on the west side of North Evergreen
Street and south of Chelsea Avenue, in the amount of \$7,681.00.

Ford

Resolution accepts an offer from Vollintine Evergreen Community Association,
Community Development Corporation to purchase all the property acquired in
Tax Sale #16, Chancery Court #9469-2, Exhibit 4207 Tax Sale 16 on December
2, 2004, identified as Ward 040, Block 041, Parcel 008, formerly known as 1055
N. Evergreen Street. The amount of the offer is \$7,681.00. Per ordinance, the sale
of the subject property is not subject to the offer laying over for a second reading
and Council approval on the first reading shall be deemed approval of the sale.
Resolution also authorizes the Mayor to execute the necessary documents, on
behalf of the City of Memphis, in connection with the sale.

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION approving purchase of easement from Wayne G. McGowan, III and
Charlotte M. McCraw, 31.982 acres located on the south side of Stewart Road, south of
the south line of Paul Barret Parkway, for the sum of \$255,856.00.

Ford

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION approving purchase of property from Ross-McGowan Properties, L.P.,
70.564 acres located on the south side of Stewart Road, immediately opposite Palomino
Road, for the sum of \$564,512.00.

Ford

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION approving purchase of easement from Ross-McGowan Properties, L.P., 10.118 acres located south side of Stewart road, south of the south line of Paul Barret Parkway, for the sum of \$80,944.00.

Ford

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION approving amendment to the MLGW Retirement and Pension Plan regarding the elimination of mandatory distributions from the fund. This supersedes the resolution approved by the MLGW Board at meeting held January 19, 2006.

Ford

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION approving amendment to the MLGW Retirement and Pension Plan regarding the retention of unclaimed pension benefits by the fund. This supersedes the resolution approved by the MLGW Board at meeting held January 19, 2006.

Ford

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION approving actuarial funding to the MLGW Retirement and Pension Fund for the 2006 Plan Year.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

34. RESOLUTION amending the FY 2006 Capital Improvement Budget by transferring an allocation and appropriating \$75,884.00 funded by G. O. Bonds-General from architecture and engineering within HCD-Firestone Project, project CD01013, to land acquisition within HCD-Firestone Project, project CD01013.

Holt

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION amending the FY 2006 Capital Improvement Budget by transferring an allocation and appropriating \$479,420.00 funded by G.O. Bonds-General in contract construction within MHA-Uptown Hurt Village, project CD01014.

Holt

Resolution amends the FY 2006 Capital Improvement Budget by transferring an allocation and appropriating \$1,000.00 in G.O. Bonds for project CD01010-Uptown TIF Consultant, \$15,000.00 from project CD01011 – Uptown Design Guideline, \$163,420.00 from CD01018 – Uptown Design Prototypes and \$300,000.00 from project CD01056 – MHA-Auction Street Acquisition, for the total appropriation of \$479,420.00

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

DIVISION OF PARK SERVICES

36. RESOLUTION including Childrens Theater CIP Project Number PK07084, as part of the FY 2006 Capital Improvement Program. Six bids were received on April 21, 2006 for Demolition of Childrens Theater and Hobby Shop with the lowest and best complying bidder being the firm of Barnes & Brower, Inc. in the amount of \$54,815.00. A contingency amount of \$5,219.40 added to the bid amount of \$54,815.00, and a hazardous material abatement cost of \$965.60 make this appropriation request a total of \$61,000.00.

McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

(None)

DIVISION OF PUBLIC SERVICES

37. RESOLUTION accepting grant funds in the amount of \$5,000.00 from the Office for Victims of Crime for the National Crime Victims' Rights Week Community Awareness Project to assist in a collaborative effort to conduct community outreach and public awareness activities on the issue of sexual violence during National Crime Victims' Right Week. Resolution also amends FY 2006 Operating Budge to establish and appropriate grant funds.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

38. RESOLUTION appropriating \$431,679.00 funded by G O Bonds – General for ADA Wheelchair Ramp, project number PW04007 for the installation of ADA ramps in various locations in the city.

Jones

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCES - THIRD AND FINAL READING (None)

DIVISION OF PLANNING & DEVELOPMENT

39. RESOLUTION approving a special use permit located on the northwest corner of Raleigh-Millington Road and South Amherst Road, containing 0.25 acre in the Agricultural (AG) & Single Family Residential (R-S10) Districts.

Peete

Case No. SUP 06-204cc

Applicant: Powertel Memphis (T-Mobile)
Lou Katzerman – Representative

Request: Cellular Tower (150 feet)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Public Hearing Required; No Opposition at LUCB

40. RESOLUTION approving a waiver of a special use permit for Clarion Hotel (Airport), located at 1471 E. Brooks Road, Memphis, TN. 38116.

Peete

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

41. RESOLUTION approving a planned development located on the north side of Old Brownsville Road; +206 feet east of Brunswick Road, containing 16.61 acres in the Agricultural (AG) & Single Family Residential (R-S10) Districts. (Held from 4/25)

Peete

Case No. PD 05-375cc

Applicant: Vince Smith
Dugan Design Group, LLC – Representative

Request: A residential planned development to create 31 single family detached lots (lot sizes range between 8,340 sq. ft. and approximately 31,247 sq. ft.)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

86 NOTICES MAILED ON APRIL 13, 2006

42. RESOLUTION approving a planned development located on the west side of McLean Avenue; +795 feet south of Overton Park Avenue, containing 0.875 acre in the Single Family Residential (R-S6) District.

Peete

Case No. PD 06-306

Applicant: Gilbert & Rebecca Callaway
SR Consulting, LLC – Cindy Reaves - Representative

Request: Planned development to create four (4) single family lots
(minimum lot size 6,886 square feet)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

108 NOTICES MAILED ON MAY 19, 2006

43. RESOLUTION approving a street/alley closure located on Woodward Street, beginning on the north side of Central Avenue and extending to I-240.

Peete

Case No. SAC 06-602

Applicant: Memphis Housing Authority
Rick Kershaw – Representative

Request: Close and vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

33 NOTICES MAILED ON MAY 19, 2006

44. RESOLUTION approving a street/alley closure located on the east side of Woodward Street and I-240.

Peete

Case No. SAC 06-603

Applicant: Memphis Housing Authority
Rick Kershaw – Representative

Request: Close and vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

33 NOTICES MAILED ON MAY 19, 2006

45. RESOLUTION approving a street/alley closure located on the east side of Woodward Street, +320 feet north of Central Avenue.

Peete

Case No. SAC 06-604

Applicant: Memphis Housing Authority
Rick Kershaw – Representative

Request: Close and vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

46. RESOLUTION approving a street/alley closure located on the east side of Woodward Street; +50 feet north of Central Avenue.

Peete

Case No. SAC 06-605

Applicant: Memphis Housing Authority
Rick Kershaw – Representative

Request: Close and vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

33 NOTICES MAILED ON MAY 19, 2006

GENERAL ITEMS

47. RESOLUTION instructing the Industrial Development Board to immediately amend their Charter of Incorporation with the State of Tennessee to require approval from the Memphis City Council before granting any payments in lieu of taxes, effective September 1, 2006.(Held from 5/16)

Brittenum

ACTION REQUESTED: Adopt the resolution

48. RESOLUTION instructing the Memphis Center City Revenue Finance Corporation to immediately amend their Charter of Incorporation with the State of Tennessee to require approval from the Memphis City Council before granting any payments in lieu of taxes, effective September 1, 2006. (Held from 5/16)

Brittenum

ACTION REQUESTED: Adopt the resolution

49. RESOLUTION amending the incorporation resolution of the Health, Education and Housing Facilities Board. (Held from 5/16)

Brittenum

ACTION REQUESTED: Adopt the resolution

50. CONSIDERATION of Operating Engineers-Animal Shelter Impasse Committee recommendation. (Held from 5/16)

Brittenum

51. CONSIDERATION of Operating Engineers-Zone Construction Inspectors Impasse Committee recommendation. (Held from 5/16)

Brittenum

52. CONSIDERATION of Firefighters Local 1784 Impasse Committee recommendation.

Marshall

PRESENTATIONS AND RECOGNITION OF VISITORS (None)

ADJOURNMENT

ADD-ONS

53. RESOLUTION approving an honorary street name change for Dr. William and Dianne Young.
Mitchell

ACTION REQUESTED: Adopt the resolution

54. RESOLUTION accepting COTTON PLANT GROVE SUBDIVISION, SECTION A, and authorizing release of bond.
Consent

Case No. S 00-025
(Contract No. CR-4875)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Cotton Plant Road, 151.8 feet south of Cotton Grove Court. The standard improvement contract was approved on June 15, 2004. Resolution also authorizes the release of the Letter of Credit in the amount of \$86,000.00

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

55. RESOLUTION approving final plat of LOVES TRAVEL STOPS AND COUNTRY STORE.
Consent

Case No. S 05-069
Contract No. CR-5015

Resolution approves the final plat located on the southwest corner of American Way and Lamar Avenue. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

56. RESOLUTION approving sewer plan for ST. STEPHENS BAPTIST CHURCH SEWER EXTENSION.
Consent

Contract No. CR-5016

Resolution approves the sewer plan located on the southwest corner of Singleton Pkwy and Egypt Central Road. Cost the required improvements to be shared between the City and the Developer. Resolution also authorizes the proper officials to execute the attached standard sewer extension contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

57. RESOLUTION approving the closing of Riverside Drive for the Beale Street Event.
Consent

ACTION REQUESTED: Adopt the resolution

58. CONSIDERATION of the International Union of Operating Engineers Heavy Equipment Operators Impasse.
Brown

ADD-ONS

59. CONSIDERATION of the Operating Engineers – Stoppage Operators Impasse.
Mitchell

60. RESOLUTION instructing the City Administration to terminate immediately the month to month lease/occupancy with the Mid-South Fair, Inc., and to protect the interests of all equipment, rides and fixtures on the Libertyland location using the processes of the courts, if necessary.
McCormick

ACTION REQUESTED: Adopt the resolution

61. RESOLUTION supporting the City's Tuition Reimbursement Program and these allowable amounts for employees as set forth in HR Policy PM-58-03 and administered by the Human Resources Division.
Peete

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 8 – Approved
9. Public Hearing set for June 20, 2006
10. Through 18 – Approved
19. Approved, as amended
20. Through 22 – Approved
23. Approved, as amended
24. Through 46 – Approved
47. Through 49 - Held to June 20, 2006
50. and 51 – Dropped
52. Approved – sided with the City of Memphis
53. Held to June 20, 2006
54. Through 57 – Approved
58. and 59 – Dropped
60. Approved, as amended
61. Approved

ACTION TAKEN ON THE MINUTES OF MAY 16, 2006

Approved